THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.25097 OF 2005

25.11.2005

Between:

Mohd. Hussain, S/o.Late Mohd. Jahangir, Fateh Darwaza, Hyderabad.

…Petitioner

AND

1. The Commissioner, Municipal Corporation of Hyderabad

and another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25097 OF 2005

ORDER:

The petitioner is allegedly owner of premises bearing No.21-2-359, Lad Bazar, Hyderabad. The second respondent by letter dated 06.7.2005 informed the petitioner that the work of widening of Motigalli road is taken up, that an extent of 5.33 Sq.yards of petitioner's property is likely to be affected in the proposed road widening and therefore the petitioner was requested to cooperate and give consent to hand over advance possession of the land. The petitioner was also informed that he would be given the benefit of relaxation of FSI as per G.O.Ms.No.483 MA dated 24.9.1998. Though the letter was issued to the petitioner on 06.7.2005, the petitioner

is now filed the present writ petition challenging the action of the respondents in compelling the petitioner to handover possession of the property.

Ms.S.Naseeb Afshan, learned Counsel for the petitioner strenuously contends that the road widening is being taken up at a distance of 500 meters from the property and in the parallel road, that the petitioner's property is not at all required for road widening and therefore the impugned letter and action of the respondents is illegal. These submissions are refuted by the learned Standing Counsel for Municipal Corporation of Hyderabad (MCH).

The second respondent addressed a letter on 06.7.2005. The petitioner filed the present writ petition on 23.11.2005. Therefore, this Court is not inclined to entertain the writ petition at this stage. However, it is observed that if the petitioner's land is required for any public purpose or for road widening, the respondent Corporation shall do so only after following the procedure contemplated either under Section 146 or 147 of Hyderabad Municipal Corporations Act, 1955. If the petitioner's land does not fall within the road widening portion, it shall be open to the petitioner to make a representation to the first respondent for redressal.

The writ petition, with the above observations, is dismissed. No costs.

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(**V.V.S.RAO, J**)

November 25, 2005.

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